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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Febvre *et al.*

Appl. No. 09/439,348

Filed: November 15, 1999

For: **Communication Methods and Apparatus**

Art Unit: 2749

Examiner: To be Assigned

Atty. Docket: 1487.0160000



**Declaration for Patent Application
under 37 C.F.R. § 1.47**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Diana Hawthorne, of Inmarsat Limited, do hereby solemnly and sincerely declare as follows:

1. I am responsible for maintenance of the Inmarsat patent portfolio.
2. In February, 1999, my predecessor, Helga Cantrell, instructed James Cross, a Chartered Patent Attorney, of R.G.C. Jenkins & Co., 26 Caxton Street, London SW1H 0RJ, England, to prepare a patent specification for an invention entitled "Communication Methods and Apparatus" that had been made by three (3) employees of Inmarsat Limited and one (1) consultant to Inmarsat Limited. The employee inventors are Edward Arthur Jones, Panagiotis Fines and Paul Febvre. The consultant is David Denis Mudge. The invention was made by the employee inventors in the execution of their normal duties as employees of Inmarsat Limited, and by the consultant under a consultancy agreement dated November 1997, a copy of which is attached as Exhibit A. Under British law, the invention, therefore, belongs to Inmarsat Limited.
3. On 8 March 1999, a British patent application was filed as Application No. 9905182.3.
4. On 15 November 1999, a patent application, claiming priority from the aforementioned British Patent Application No. 9905182.3, was filed by our U.S. counsel in the U.S. Patent and Trademark Office designating the four inventors as the applicants.

5. The application filed in the U.S. was identical to the counterpart UK application from which priority was claimed. The description and claims of which had been agreed between the inventors at Inmarsat as part of their work responsibilities during February 1999.

6. On information and belief, on 15 March 1999, Helga Cantrell forwarded a copy of the complete application to David Denis Mudge. This application was identical to the application as it was filed in the U.S. Patent and Trademark Office on 15 November 1999.

7. In December 1999, I forwarded a Combined Declaration and Power of Attorney to David Denis Mudge at his last know address for signature.

8. David Denis Mudge expressed to me concern regarding language used in the Combined Declaration and Power of Attorney, including language citing statutory provisions under 35 U.S.C. § 119, § 365, § 120, § 112, and 37 C.F.R. § 1.56. Between November 1999 and March 2000, I had verbal and written communication with David Denis Mudge to address concerns and answer questions regarding the Declaration.

9. In a telephone communication with me of 30 March 2000, David Denis Mudge verbally refused to sign the Combined Declaration and Power of Attorney. David Denis Mudge gave the following reason for his refusal: despite Inmarsat's best efforts, he does not feel comfortable making the declaration required by U.S. patent procedure.

All statements made herein of my own knowledge are true. All statements made on information and belief are believed to be true. The statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under 18 U.S.C. § 1001 and may jeopardize the validity of the US application or any patent issuing thereon.

Declared at Inmarsat Limited

This 5th day of July 2000



Diana Hawthorne